

THE AMERICAN TRIBUNALS OF THE
JUDICIAL ARBITRATION AND MEDIATION SERVICES

SANDY GRACIANO, ON BEHALF OF HIMSELF
AND ALL OTHER PERSONS SIMILARLY
SITUATED,

Plaintiffs,

v.

JIGGY PUZZLES LLC,

Defendant.

No.: 1:21-cv-6812

**DEFENDANT JIGGY PUZZLES
LLC'S ANSWER TO
COMPLAINT**

ANSWER TO COMPLAINT AND JURY DEMAND

Defendant Jiggy Puzzles LLC (“Jiggy”) responds to the Complaint of Sandy Graciano as follows. Jiggy responds to the Complaint subject to and without waiving defenses. Jiggy denies the factual allegations and characterizations in the Complaint except as expressly admitted herein.

INTRODUCTION

1. Answering paragraph 1 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 and, on that basis, denies the allegations.

2. Answering paragraph 2 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 and, on that basis, denies the allegations.

3. Answering paragraph 3 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 and, on that basis, denies the allegations.

4. Answering paragraph 4 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 and, on that basis, denies the allegations.

5. Answering paragraph 5 of the Complaint, Jiggy states that to the extent the allegations in paragraph 5 set forth that legal conclusion, no response is required. Otherwise, Jiggy denies the remaining allegations in Paragraph 5.

6. Answering paragraph 6 of the Complaint, Jiggy states that to the extent the allegations in paragraph 6 set forth that legal conclusion, no response is required. Otherwise, Jiggy denies the remaining allegations in Paragraph 6.

7. Answering paragraph 7 of the Complaint, Jiggy states that to the extent the allegations in paragraph 7 set forth that legal conclusion, no response is required. Otherwise, Jiggy denies the remaining allegations in Paragraph 7.

8. Answering paragraph 8 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 and, on that basis, denies the allegations.

9. Answering paragraph 9 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 and, on that basis, denies the allegations.

JURISDICTION AND VENUE

10. Answering paragraph 10 of the Complaint, Jiggy states that to the extent the allegations in paragraph 10 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 and, on that basis, denies the allegations.

11. Answering paragraph 11 of the Complaint, Jiggy states that to the extent the allegations in paragraph 11 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 and, on that basis, denies the allegations.

12. Answering paragraph 12 of the Complaint, Jiggy states that to the extent the allegations in paragraph 12 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 and, on that basis, denies the allegations.

13. Answering paragraph 13 of the Complaint, Jiggy states that to the extent the allegations in paragraph 13 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 and, on that basis, denies the allegations.

14. Answering paragraph 14 of the Complaint, Jiggy states that to the extent the allegations in paragraph 14 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 and, on that basis, denies the allegations.

15. Answering paragraph 15 of the Complaint, Jiggy states that to the extent the allegations in paragraph 15 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 and, on that basis, denies the allegations.

THE PARTIES

16. Answering paragraph 16 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 and, on that basis, denies the allegations.

17. Answering paragraph 17 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 and, on that basis, denies the allegations.

18. Jiggy admits the allegations in paragraph 18.

19. Jiggy admits that it operates the Jiggy online retail store across the United States. Answering the remaining allegations in paragraph 19 of the Complaint, Jiggy states that to the extent the allegations in paragraph 19 set forth that legal conclusion, no response is required.

20. Answering paragraph 15 of the Complaint, Jiggy states that to the extent the allegations in paragraph 15 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 and, on that basis, denies the allegations.

NATURE OF ACTION

21. Answering paragraph 21 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 and, on that basis, denies the allegations.

22. Answering paragraph 22 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22 and, on that basis, denies the allegations.

23. Answering paragraph 23 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 and, on that basis, denies the allegations.

24. Answering paragraph 24 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 and, on that basis, denies the allegations.

25. Answering paragraph 25 of the Complaint, Jiggy acknowledges that W3C has published Web Content Accessibility Guidelines called WCAG 2.0. Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 25 and, on that basis, denies the allegations.

26. Answering paragraph 25 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 and, on that basis, denies the allegations.

STATEMENT OF FACTS

27. Jiggy admits that it offers its commercial website to the public. Jiggy admits that it makes jigsaw puzzles available for purchase on its website. Jiggy admits that its jigsaw puzzles available for delivery throughout the United States including New York State.

28. Jiggy denies the allegations in paragraph 28.

29. Answering paragraph 29 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 and, on that basis, denies the allegations.

30. Answering paragraph 30 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 and, on that basis, denies the allegations. Further, Jiggy denies that its website was not accessible to Plaintiff.

31. Answering paragraph 31 of the Complaint, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31 and, on that basis, denies the allegations.

32. Jiggy denies the allegations contained in paragraph 32.

33. Jiggy denies the allegations contained in paragraph 33.

34. Jiggy denies the allegations contained in paragraph 34.

35. Jiggy denies the allegations contained in paragraph 35.

36. Jiggy denies the allegations contained in paragraph 36.

37. Jiggy denies the allegations contained in paragraph 37 to the extent it insinuates that Jiggy's website is not equally accessible to all.

38. Jiggy denies the allegations contained in paragraph 38 to the extent it insinuates that Jiggy's website contains access barriers.

39. Jiggy denies the allegations contained in paragraph 39.

40. Jiggy denies the allegations contained in paragraph 40.

41. Answering paragraph 41 of the Complaint, Jiggy states that to the extent the allegations in paragraph 41 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 41 and, on that basis, denies the allegations.

42. Jiggy denies the allegations contained in paragraph 42.

43. Jiggy admits that web-based technologies are often modified. Jiggy further states that to the extent the allegations in paragraph 43 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 43 and, on that basis, denies those allegations.

44. Jiggy denies the allegations contained in paragraph 44 to the extent it insinuates that Jiggy's website was not accessible.

45. Jiggy denies the allegations contained in paragraph 45.

46. Jiggy denies the allegations contained in paragraph 46 to the extent it insinuates that Jiggy's website is not equally accessible to visually-impaired consumers.

47. Answering paragraph 47 of the Complaint, Jiggy states that to the extent the allegations in paragraph 47 set forth that legal conclusion, no response is required. Otherwise,

Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 and, on that basis, denies the allegations.

CLASS ACTION ALLEGATIONS

48. Answering paragraph 48 of the Complaint, Jiggy states that to the extent the allegations in paragraph 48 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 48 and, on that basis, denies the allegations.

49. Answering paragraph 49 of the Complaint, Jiggy states that to the extent the allegations in paragraph 49 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 and, on that basis, denies the allegations.

50. Answering paragraph 50 of the Complaint, Jiggy states that to the extent the allegations in paragraph 50 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50 and, on that basis, denies the allegations.

51. Answering paragraph 51 of the Complaint, Jiggy states that to the extent the allegations in paragraph 51 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51 and, on that basis, denies the allegations.

52. Answering paragraph 52 of the Complaint, Jiggy states that to the extent the allegations in paragraph 52 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52 and, on that basis, denies the allegations.

53. Answering paragraph 53 of the Complaint, Jiggy states that to the extent the allegations in paragraph 53 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 and, on that basis, denies the allegations.

54. Answering paragraph 54 of the Complaint, Jiggy states that to the extent the allegations in paragraph 54 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54 and, on that basis, denies the allegations.

55. Answering paragraph 55 of the Complaint, Jiggy states that to the extent the allegations in paragraph 55 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 55 and, on that basis, denies the allegations.

FIRST CAUSE OF ACTION

56. Answering paragraph 56 of the Complaint, Jiggy realleges and incorporates by reference its responses to the allegations above as though fully set forth herein.

57. Answering paragraph 57 of the Complaint, Jiggy states that to the extent the allegations in paragraph 55 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57 and, on that basis, denies the allegations.

58. Answering paragraph 58 of the Complaint, Jiggy states that to the extent the allegations in paragraph 58 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 58 and, on that basis, denies the allegations.

59. Answering paragraph 59 of the Complaint, Jiggy states that to the extent the allegations in paragraph 59 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59 and, on that basis, denies the allegations.

60. Answering paragraph 60 of the Complaint, Jiggy states that to the extent the allegations in paragraph 60 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 60 and, on that basis, denies the allegations.

61. Answering paragraph 61 of the Complaint, Jiggy states that to the extent the allegations in paragraph 61 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 and, on that basis, denies the allegations.

62. Jiggy denies the allegations contained within paragraph 62.

63. Answering paragraph 63 of the Complaint, Jiggy states that to the extent the allegations in paragraph 63 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 63 and, on that basis, denies the allegations.

SECOND CAUSE OF ACTION

64. Answering paragraph 64 of the Complaint, Jiggy realleges and incorporates by reference its responses to the allegations above as though fully set forth herein.

65. Answering paragraph 65 of the Complaint, Jiggy states that to the extent the allegations in paragraph 65 set forth that legal conclusion, no response is required. Otherwise,

Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 65 and, on that basis, denies the allegations.

66. Answering paragraph 66 of the Complaint, Jiggy states that to the extent the allegations in paragraph 66 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 66 and, on that basis, denies the allegations.

67. Answering paragraph 67 of the Complaint, Jiggy states that to the extent the allegations in paragraph 67 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 67 and, on that basis, denies the allegations.

68. Jiggy denies the allegations contained in paragraph 68.

69. Answering paragraph 69 of the Complaint, Jiggy states that to the extent the allegations in paragraph 69 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 69 and, on that basis, denies the allegations.

70. Answering paragraph 70 of the Complaint, Jiggy states that to the extent the allegations in paragraph 70 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 70 and, on that basis, denies the allegations.

71. Answering paragraph 71 of the Complaint, Jiggy states that to the extent the allegations in paragraph 71 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71 and, on that basis, denies the allegations.

72. Jiggy denies the allegations contained in paragraph 72.

73. Jiggy denies the allegations contained in paragraph 73.

74. Jiggy denies the allegations contained in paragraph 74.

75. Jiggy denies the allegations contained in paragraph 75.

76. Answering paragraph 76 of the Complaint, Jiggy states that to the extent the allegations in paragraph 76 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 76 and, on that basis, denies the allegations.

77. Answering paragraph 77 of the Complaint, Jiggy states that to the extent the allegations in paragraph 77 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 77 and, on that basis, denies the allegations.

78. Answering paragraph 78 of the Complaint, Jiggy states that to the extent the allegations in paragraph 78 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 78 and, on that basis, denies the allegations.

THIRD CAUSE OF ACTION

79. Answering paragraph 79 of the Complaint, Jiggy realleges and incorporates by reference its responses to the allegations above as though fully set forth herein.

80. Answering paragraph 80 of the Complaint, Jiggy states that to the extent the allegations in paragraph 80 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 80 and, on that basis, denies the allegations.

81. Answering paragraph 81 of the Complaint, Jiggy states that to the extent the allegations in paragraph 81 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 81 and, on that basis, denies the allegations.

82. Answering paragraph 82 of the Complaint, Jiggy states that to the extent the allegations in paragraph 82 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 82 and, on that basis, denies the allegations.

83. Answering paragraph 83 of the Complaint, Jiggy states that to the extent the allegations in paragraph 83 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 83 and, on that basis, denies the allegations.

84. Answering paragraph 84 of the Complaint, Jiggy states that to the extent the allegations in paragraph 84 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 84 and, on that basis, denies the allegations.

85. Defendant denies the allegations contained in paragraph 85.

86. Defendant denies the allegations contained in paragraph 86.

87. Defendant denies the allegations contained in paragraph 87.

88. Defendant denies the allegations contained in paragraph 88.

89. Answering paragraph 89 of the Complaint, Jiggy states that to the extent the allegations in paragraph 89 set forth that legal conclusion, no response is required. Otherwise,

Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89 and, on that basis, denies the allegations.

90. Answering paragraph 90 of the Complaint, Jiggy states that to the extent the allegations in paragraph 90 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 90 and, on that basis, denies the allegations.

91. Answering paragraph 91 of the Complaint, Jiggy states that to the extent the allegations in paragraph 91 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 91 and, on that basis, denies the allegations.

FOURTH CAUSE OF ACTION

92. Answering paragraph 92 of the Complaint, Jiggy realleges and incorporates by reference its responses to the allegations above as though fully set forth herein

93. Answering paragraph 93 of the Complaint, Jiggy states that to the extent the allegations in paragraph 93 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 93 and, on that basis, denies the allegations.

94. Answering paragraph 94 of the Complaint, Jiggy states that to the extent the allegations in paragraph 94 set forth that legal conclusion, no response is required. Otherwise, Jiggy lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 94 and, on that basis, denies the allegations.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint, and each of the Counts contained therein, fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Jiggy has not denied Plaintiff or any other person access to its Website.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of estoppel and he has waived the right to seek relief from Jiggy as he failed to request accommodation or access from Jiggy.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff lacks standing to pursue these claims because he cannot prove an injury in fact.

FIFTH AFFIRMATIVE DEFENSE

The damages of which Plaintiff complains, if any, are a result of his own actions or inactions.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims for damages are barred, in whole or in part, by his failure to mitigate his damages, if any.

SEVENTH AFFIRMATIVE DEFENSE

At all relevant times, Jiggy acted in good faith and in full compliance with their understanding as to all state and federal laws.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff is estopped and barred by his own conduct from recovering any relief.

NINTH AFFIRMATIVE DEFENSE

This action is barred by the doctrine of laches.

TENTH AFFIRMATIVE DEFENSE

The Plaintiff fails to state a cognizable claim for attorneys' fees or costs.

ELEVENTH AFFIRMATIVE DEFENSE

Jiggy does not waive and hereby expressly reserves the right to assert any and all defenses at such time and to such extent as discovery and factual developments establish a basis thereof.

PRAYER FOR RELIEF

WHEREFORE, Jiggy requests judgment dismissing the Complaint against it with prejudice, together with its attorneys' fees and costs and such other relief as the Court deems appropriate.

DEMAND FOR JURY TRIAL

Jiggy demands a trial by jury on all issues in the Complaint triable by jury.

Dated: October 15, 2021
New York, New York

/s/ Kyle W. Roche
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Attorney for Defendant